

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED: **5/10/18**
U.S. DISTRICT COURT
EASTERN DISTRICT COURT
DAVID A. O'TOOLE, CLERK

UNITED STATES OF AMERICA	§	
	§	1:17CR153(4)
v.	§	Judge Thad Heartfield
	§	
RICARDO AVILES (4)	§	
a.k.a. RICARDO AVILEZ	§	

FACTUAL BASIS AND STIPULATION

The United States of America, presents to the Court, by and through the undersigned Assistant United States Attorney in and for the Eastern District of Texas, joined by the defendant, **Ricardo Aviles** and the defendant's attorney **Russell Wright**, and presents this factual basis and stipulation in support of the defendant's plea of guilty to Count One of the indictment, and in support thereof, would show the following:

1. That the defendant hereby stipulates and agrees to the truth of all matters set forth in this factual basis and stipulation, and agrees that such admission may be used by the Court in support of his plea of guilty to:
 - Count One of the indictment, which charges a violation of 21 U.S.C. § 846, conspiracy to possess with the intent to distribute a Schedule II controlled substance, namely 5 kilograms or more cocaine HCL;
2. That the defendant, who is pleading guilty to such indictment, is one and the same person charged in the indictment.
3. That the events described in the indictment occurred in the Eastern District of Texas and elsewhere.

4. That had this matter proceeded to trial, the government, through the testimony of witnesses, including expert witnesses, and through admissible exhibits, would have proven, beyond a reasonable doubt, each and every essential element of the offense alleged in the indictment; specifically, the government would have proven the following stipulated facts:

- a. In December 2013, DEA Galveston Resident Office agents established a Cooperating Source ("CS1") who provided information into the drug trafficking activities of Alvaro Romero. CS1 advised that Romero obtained narcotics from a source in the Rio Grande Valley, had them transported to the Houston area, and then distributed them through the Eastern District of Texas to Lake Charles, Louisiana, and other locations further east. He placed the proceeds from the sales of these narcotics into the financial system in order to conceal their nature.
- b. CS1 advised that before becoming a CS, he/she had purchased approximately two hundred and fifty (250) pounds of marijuana and eight (8) kilograms of cocaine from Romero.
- c. On January 8, 2014, agents did a buy walk for three pounds of marijuana using the CS1. Romero sold the CS1 three pounds of marijuana for \$1,500. Romero also told the CS1 that he had sold six kilograms of cocaine that week. The transaction happened at Romero's stash house at 558 Dale Street, Houston, Texas 77060.
- d. On January 23, 2014, agents did a second buy walk with CS1 and Romero for an additional three (3) pounds of marijuana for \$1,500.
- e. On January 25, 2014, Romero contacted the CS1 and said he would be traveling south to bring back cocaine. On January 28, 2014, Romero contacted CS1 and said he had picked up five kilograms of cocaine.
- f. Based on these calls, Title III interceptions began. The phones of the following individuals were intercepted beginning at the following times.

Date Started	Individual(s)' Phone(s)
February 14, 2014	Alvaro Romero
March 5, 2014	Miguel Rodriguez

March 21, 2014	Alvaro Romero, Arturo Elizondo
April 22, 2014	Alvaro Romero, Arturo Elizondo
May 14, 2014	Jose Rubio-Villegas
July 2, 2014	Ricardo Aviles
August 8, 2014	Ricardo Aviles

- g. During the initial round of interception, agents learned of Arturo Elizondo, Miguel Gerardo Rodriguez, and Jose Rubio Villegas who supplied Romero.
- h. From interception of Jose Rubio Villegas, agents learned of Ricardo Aviles who supplied Jose Rubio Villegas.
- i. During the course of the wire interceptions, **Aviles** was involved with the following drug amounts during the following sessions:

Date	Phone	Session(s)	Amount
May 15, 2014	832-727-2669	21, 22, 23, 23, 24, 32	3 kilograms cocaine HCL
May 16, 2014	832-727-2669	139, 153, 165, 166, 182, 188	3 kilograms cocaine HCL
May 17, 2014	832-727-2669	199, 201	3 kilograms cocaine HCL
May 21, 2014	832-727-2669	442	2 kilograms cocaine HCL
May 22, 2014	832-727-2669	486, 491	8 kilograms cocaine HCL
May 30, 2014	832-727-2669	814, 816	3 kilograms cocaine HCL
May 30, 2014	832-727-2669	824, 835, 840, 852, 860, 874	3 kilograms cocaine HCL
June 7, 2014	832-727-2669	1284, 1317, 1328, 1330, 1341, 1356, 1359, 1360, 1363, 1364, 1367, 1369, 1370, 1372, 1374, 1375, 1376, 1394	10 kilograms cocaine HCL
July 3, 2014	832-277-7590	43, 44, 46, 47, 57, 50	4 kilograms cocaine HCL
July 3, 2014	832-277-7590	212	3 kilograms cocaine HCL
July 4, 2014	832-277-7590	390, 393, 424, 425	3 kilograms cocaine HCL

July 5, 2014	832-277-7590	603, 607	1 kilogram cocaine HCL
July 5, 2014	832-277-7590	653	0.5 kilograms cocaine HCL
July 5, 2014	832-277-7590	660	2 kilograms cocaine HCL
July 6, 2014	832-277-7590	953, 964	1 kilogram cocaine HCL
July 21, 2014	832-277-7590	4706, 4721, 4735, 4750, 4763, 4863	4 kilograms cocaine HCL
July 21, 2014	832-277-7590	4835, 4910, 4919, 4921, 4922, 4924, 5020, 5258, 5579, 6790	2 kilograms cocaine HCL
July 26, 2014	832-277-7590	6070, 6083, 6084, 6109, 6137, 6568, 7283	3 kilograms cocaine HCL
August 11, 2014	832-277-7590	8768, 9380	10 kilograms cocaine HCL
August 16, 2014	832-277-7590	10327, 10737	1 kilogram cocaine HCL
August 28, 2014	832-277-7590	13324	3 kilograms cocaine HCL

j. Based on the wire interceptions agents made the following seizures:

Date	Location	Co-conspirator(s)	Contraband
February 25, 2014	Beaumont, TX	Courier 1 Romero Elizondo	0.5 kg cocaine
March 2, 2014	Kingsville, TX	Courier 2 Courier 3 Romero Alonso Rodriguez	2.18 kg cocaine 6.54 kg methamphetamine actual
April 17, 2014	Friendswood, TX	FNU LNU Alonso	2 ounces methamphetamine actual
May 26, 20014	Sarita, TX	Lopez Romero Rodriguez	7.12 kgs methamphetamine actual
June 6, 2014	West Houston,	Jose Rubio	15 kg cocaine HCL

	TX	Ines Rubio Aviles Worrell	discussed 10 kg seized
June 10, 2014	Houston TX	Jose Rubio Worrell	(SW of Jose Rubio's home) 1 assault rifle 2 handguns Body armor Note from Worrell about June 6 event
July 10, 2014	Kingsville, TX	Courier 4 Alonso	2.4 kg cocaine HCL


- k. During session 711, on May 28, 2014, Jose Rubio Villegas called **Aviles**. **Aviles** said, "This n***a ain't got nothing yet. But in a little bit. I'll call that f***t and see what he gets. And I got my other partner that's supposed to get some too." Jose Rubio Villegas replied, "Man, I need about twenty (20) or thirty (30) of them hoes," referring to kilograms of cocaine HCL that he needs. **Aviles** confirmed the order and said he was "probably going to have to call my people from, from the . . . from Colombia and sh**."
- l. During session 1284, on June 6, 2014, **Aviles** called Jose Rubio-Villegas and said, "I got some good news, brother. You're gonna be happy tomorrow, brother." Jose Rubio-Villegas replied, "I ain't gonna be happy until I — the good news I see them." "Them" referred to kilograms of cocaine HCL. **Aviles** said, "N***r, this is that other n***r, though," referring to an alternate cocaine HCL source. Later, **Aviles** said, "That nigger said fifteen (15). He got them for sure already." **Aviles** used "fifteen (15)" fifteen (15) kilograms of cocaine HCL that the alternate source of supply had. Jose Rubio Villegas said, "I need to make that happen in the morning." On June 7, 2016, Jose Rubio Villegas was arrested with ten (10) kilograms of cocaine. Intercepted calls from Jose Rubio Villegas indicated he was getting money ready to purchase fifteen (15) kilograms of cocaine HCL and was arrested on his way to sell 10 kilograms of cocaine HCL to Sidney Worrell.
- m. Through the course of the conspiracy, **Aviles** was personally responsible for distributing and agreeing to distribute 79.5 kilograms of cocaine HCL.

DEFENDANT'S SIGNATURE AND ACKNOWLEDGMENT

5. I have read this factual basis and stipulation and indictment or have had them read

to me and have discussed them with my attorney. I fully understand the contents of this factual basis and stipulation and agree without reservation that the United States can prove each of these acts and that it accurately describes the events about my acts and the events as recited as I know them.

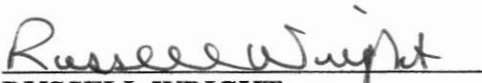
Dated: 4-26-18


RICARDO AVILES
Defendant

DEFENSE COUNSEL'S SIGNATURE AND ACKNOWLEDGMENT


6. I have read this factual basis and stipulation and the indictment and have reviewed them with my client, **Ricardo Aviles**. Based upon my discussions with the defendant, I am satisfied that the defendant understands the factual basis and stipulation as well as the indictment, and is knowingly and voluntarily agreeing to these stipulated facts.

Dated: 4-26-2018


RUSSELL WRIGHT
Attorney for the Defendant

Respectfully submitted,

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